IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10666 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HASMUKH R PARIKH - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR TR MISHRA for Petitioner(s) : 1,
Ms. Maithily Mehta, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 08/11/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India,the petitioner has prayed for an appropriate writ, direction or order directing the respondents to release

retirement benefits, i.e., Gratuity, Provident Fund, Leave Encashment, Group Insurance etc., and permit the respondents to retain an amount of Rs. 40,000/- till the appeal is decided.

2. It appears from the record that the petitioner attained the age of superannuation on 1.11.1995, however due to one appeal filed by the petitioner against eviction order passed in Eviction Case No. 27/89 retirement benefits were not given to the petitioner.

3. Today, when the matter is called out, Shri TR Mishra, learned advocate appearing for the petitioner submitted that he has no further instruction after 1997. By order dated 23rd June 1997, this Court directed that the respondent No.2 shall pay an amount of Rs. 1,16,826 to the petitioner within one week and accordingly the petitioner must have have been paid the said amount as the petitioner has thereafter not

contacted/approached the learned advocate appearing for the petitioner. Under the circumstances, without observing anything with regard to the amount which might have been required to be paid under the eviction order, this petition is disposed of. Liberty to approach this Court in case of difficulty. Rule is discharged.

[M.R. Shah, J.]

rmr.